

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cr-10074

United States of America

v.

Phillip Hyde

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 11/30/05.

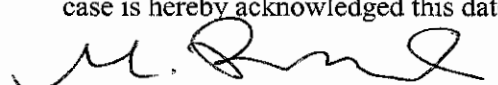
In testimony whereof, I hereunto set my hand and affix the seal of this Court on December 20, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 12/21/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, CLOSED

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10074-JLT-ALL**

Case title: USA v. Hyde

Date Filed: 03/18/2004

Assigned to: Judge Joseph L. Tauro

Defendant

Phillip W. Hyde (1)
TERMINATED: 05/10/2005

represented by **John H. LaChance**
John H. Lachance, Attorney at Law
600 Worcester Road
Suite 501
Framingham, MA 01701
508-879-5730
Fax: 508-879-2288
Email: lachancelaw@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:1341 Mail Fraud
(1)

Disposition

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of a year and a day. The Court recommends that the defendant serve his sentence at the "camp" at Ft. Devens, MA. The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 PM on July 5, 2005. Upon release from imprisonment, the defendant shall be on supervised release for a term of 2 years. The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. The standard conditions of supervised release shall apply. The defendant shall not incur any new credit/charges without prior approval of the probation department. The defendant shall give US probation access to any financial information. The

defendant shall pay the balance of \$317,678.68 in restitution on a schedule to be determined by the probation department during the supervised release period. A special assessment fee of \$100 is to be paid.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Mark J. Balthazard**
 United States Attorney's Office
 John Joseph Moakley Federal
 Courthouse
 1 Courthouse Way
 Suite 9200
 Boston, MA 02210
 617-748-3100
 Fax: 617-748-3960
 Email: mark.balthazard@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/18/2004	1	INFORMATION (Felony) as to Phillip Hyde (1) count(s) 1. (Gawlik, Cathy) (Entered: 03/18/2004)
04/27/2004	2	MOTION for Rule 11 Hearing as to Phillip W. Hyde by USA. (Abaid, Kim) (Entered: 05/03/2004)
05/06/2004	3	Electronic Clerk's Notes for proceedings held before Judge Joseph L. Tauro :Initial Appearance as to Phillip W. Hyde held on 5/6/2004 (Court Reporter Carol Scott.) (Abaid, Kim) (Entered: 05/17/2004)
05/06/2004	3	WAIVER OF INDICTMENT by Phillip W. Hyde (Abaid, Kim)

		(Entered: 05/17/2004)
05/06/2004	<u>4</u>	PLEA AGREEMENT as to Phillip W. Hyde (Abaid, Kim) (Entered: 05/17/2004)
05/12/2004		Judge Joseph L. Tauro : Electronic ORDER entered granting <u>2</u> Motion for Rule 11 Hearing as to Phillip W. Hyde (1) (Abaid, Kim) (Entered: 05/17/2004)
05/12/2004		ELECTRONIC Clerk's Notes for proceedings held before Judge Joseph L. Tauro :Plea Hearing to An Information as to Phillip W. Hyde held on 5/12/2004;Court conducts plea colloquy, defendant enters plea of GUILTY to count 1(MailFraud), government's factual basis for plea, court accepts plea. Defendant continues to be released on personal recognizance. Disposition set for August 4, 2004 at 10:00 a.m. procedural order re sentencing to issue. (Court Reporter CAROL SCOTT.) (Lovett, Zita) (Entered: 05/19/2004)
05/19/2004	<u>5</u>	Judge Joseph L. Tauro : ORDER entered PROCEDURAL ORDER re sentencing hearing as to Phillip W. Hyde Sentencing set for 8/4/2004 04:00 AM in Courtroom 20 before Judge Joseph L. Tauro. (Lovett, Zita) (Entered: 05/19/2004)
07/27/2004	<u>6</u>	MOTION to Continue Sentencing to September 16, 2004 as to Phillip W. Hyde . (Abaid, Kim) (Entered: 07/27/2004)
08/02/2004		Judge Joseph L. Tauro : ELECTRONIC ORDER entered granting <u>6</u> Motion to Continue as to Phillip W. Hyde (1) (Lovett, Zita) (Entered: 08/02/2004)
09/10/2004	<u>7</u>	MOTION to Continue Sentencing to the Last week of October or the first week of November as to Phillip W. Hyde . (Abaid, Kim) (Entered: 09/13/2004)
09/13/2004		Judge Joseph L. Tauro : ELECTRONIC ORDER entered granting <u>7</u> Motion to Continue as to Phillip W. Hyde (1) (Lovett, Zita) (Entered: 09/13/2004)
02/16/2005	<u>8</u>	SEALED MOTION as to Phillip W. Hyde. (Abaid, Kim) (Entered: 02/17/2005)
02/17/2005		Judge Joseph L. Tauro : Electronic ORDER entered denying [8] Sealed Motion as to Phillip W. Hyde (1) (Abaid, Kim) (Entered: 02/22/2005)
03/15/2005		NOTICE of CANCELLATION by the COURT: the disposition set for March 17, 2005 iscanceled. (Lovett, Zita) (Entered: 03/15/2005)
03/16/2005	<u>9</u>	SENTENCING MEMORANDUM by Phillip W. Hyde (LaChance, John) (Entered: 03/16/2005)
03/21/2005	<u>10</u>	SENTENCING MEMORANDUM by Phillip W. Hyde (Abaid, Kim) (Entered: 03/22/2005)
03/30/2005		NOTICE by the Court of DISPOSITION set for April 20, 2005 at 10:30 a.m. (Lovett, Zita) (Entered: 03/30/2005)

04/15/2005	<u>11</u>	SENTENCING MEMORANDUM by USA as to Phillip W. Hyde (Balthazard, Mark) (Entered: 04/15/2005)
04/20/2005	●	Electronic Clerk's Notes for proceedings held before Judge Joseph L. Tauro :Sentencing held on 4/20/2005 for Phillip W. Hyde (1), Count(s) 1, The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of a year and a day. The Court recommends that the defendant serve his sentence at the "Camp" at Ft. Devens, MA. The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 PM on July 5, 2005. Upon release from imprisonment, the defendant shall be on supervised release for a term of 2 years. The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. The standard conditions of supervised release shall apply. The defendant shall not incur any new credit/charges without prior approval of the probation department. The defendant shall give US probation access to any financial information. The defendant shall pay the balance of \$317,678.68 in restitution on a schedule to be determined by the probation department during the supervised release period. A special assessment fee of \$100 is to be paid.. (Court Reporter Carol Scott.) (Abaid, Kim) (Entered: 05/12/2005)
05/10/2005	<u>12</u>	Judge Joseph L. Tauro : ORDER entered. JUDGMENT as to Phillip W. Hyde (1), Count(s) 1, The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of a year and a day. The Court recommends that the defendant serve his sentence at the "camp" at Ft. Devens, MA. The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 PM on July 5, 2005. Upon release from imprisonment, the defendant shall be on supervised release for a term of 2 years. The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. The standard conditions of supervised release shall apply. The defendant shall not incur any new credit/charges without prior approval of the probation department. The defendant shall give US probation access to any financial information. The defendant shall pay the balance of \$317,678.68 in restitution on a schedule to be determined by the probation department during the supervised release period. A special assessment fee of \$100 is to be paid. (Abaid, Kim) (Entered: 05/12/2005)
06/21/2005	<u>13</u>	Emergency MOTION for Medical Treatment <i>Motion For Stay To Self Report</i> as to Phillip W. Hyde. (Attachments: # <u>1</u> Doctor's note) (LaChance, John) (Entered: 06/21/2005)
06/29/2005	<u>14</u>	RESPONSE to Motion by USA as to Phillip W. Hyde re <u>13</u> Emergency MOTION for Medical Treatment <i>Motion For Stay To Self Report</i> (Balthazard, Mark) (Entered: 06/29/2005)
06/30/2005	●	Judge Joseph L. Tauro : Electronic ORDER entered <u>13</u> Motion for Medical Treatment as to Phillip W. Hyde (1) is ALLOWED. New self-reporting date is November 14, 2005. (Abaid, Kim) Modified on 7/1/2005 (Abaid, Kim). (Entered: 06/30/2005)

07/01/2005	●	NOTICE - THE DEFENDANT SHALL REPORT TO DESIGNATED FACILITY BY NOON ON NOVEMBER 14, 2005.(Abaid, Kim) (Entered: 07/01/2005)
08/15/2005	●17	MOTION for Writ of Garnishment as to Phillip W. Hydeby USA. (Abaid, Kim) (Entered: 08/22/2005)
08/16/2005	●15	STATUS REPORT <i>Application for Writ of Garnishment</i> by USA as to Phillip W. Hyde (Attachments: # <u>1</u> # <u>2</u> # <u>3</u>)(Donato, Christopher) (Entered: 08/16/2005)
08/18/2005	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>17</u> Motion for Writ of Garnishment as to Phillip W. Hyde (1) (Abaid, Kim) (Entered: 08/22/2005)
08/18/2005	●18	Writ of Garnishment Issued in case as to Phillip W. Hyde. (Abaid, Kim) (Entered: 08/22/2005)
08/18/2005	●19	CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT as to Phillip W. Hyde. (Abaid, Kim) (Entered: 08/22/2005)
08/19/2005	●16	Certificate of Service as to Phillip W. Hyde. (Donato, Christopher) (Entered: 08/19/2005)
08/31/2005	●20	Answer of the Garnishee as to Phillip W. Hyde. (Abaid, Kim) (Entered: 09/01/2005)
09/13/2005	●21	NOTICE - Claim for Exemption by Phillip W. Hyde (Abaid, Kim) (Entered: 09/14/2005)
09/22/2005	●22	MEMORANDUM in Support by USA as to Phillip W. Hyde re <u>17</u> MOTION for Writ (Attachments: # <u>1</u> Text of Proposed Order)(Donato, Christopher) (Entered: 09/22/2005)
09/22/2005	●23	Objection as to Phillip W. Hyde: <u>21</u> Notice (Other) filed by Phillip W. Hyde,. (Koltun, Joseph) (Entered: 09/22/2005)
09/30/2005	●24	STATUS REPORT <i>Regarding Defendant's Bankruptcy Matter</i> by USA as to Phillip W. Hyde (Donato, Christopher) (Entered: 09/30/2005)
10/24/2005	●25	MOTION for Hearing as to Phillip W. Hyde. (Attachments: # <u>1</u>)(Frisoli, Leonard) (Entered: 10/24/2005)
11/02/2005	●	Judge Joseph L. Tauro : Electronic ORDER entered denying as moot <u>25</u> Motion for Hearing as to Phillip W. Hyde (1). (Abaid, Kim) (Entered: 11/02/2005)
11/02/2005	●26	Judge Joseph L. Tauro : ORDER entered in Response to the Bankruptcy Court's opinion dated September 26, 2005 as to Phillip W. Hyde. (Abaid, Kim) (Entered: 11/02/2005)
11/09/2005	●27	Emergency MOTION to <i>Stay Self Reporting</i> as to Phillip W. Hyde. (Attachments: # <u>1</u> Exhibit)(LaChance, John) Modified on 11/10/2005 (Abaid, Kim). (Entered: 11/09/2005)
	●	

11/10/2005		Judge Joseph L. Tauro : ElectronicORDER entered granting <u>27</u> Motion for Stay of Self Reporting on November 14, 2005 due to Medical Treatment as to Phillip W. Hyde (1). Defense counsel shall file a status report by November 18, 2005, with a report from the treating physician, advising the Court as to when the surgery took place, prognosis for recovery and any other information which may assist the Court. A new self report date will be established upon the receipt of the medical report. (Lovett, Zita) (Entered: 11/10/2005)
11/18/2005	<u>28</u>	STATUS REPORT <i>In Re: Self Reporting by Defendant NOT</i> by USA as to Phillip W. Hyde (Attachments: # <u>1</u>)(LaChance, John) (Entered: 11/18/2005)
11/30/2005	<u>29</u>	NOTICE OF APPEAL by Phillip W. Hyde Filing fee \$ 255. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/20/2005. (Frisoli, Leonard) (Entered: 11/30/2005)
12/12/2005	<u>30</u>	Joint MOTION for Clarification <i>For Instructions on Writ of Garnishment</i> as to Phillip W. Hyde. (Frisoli, Leonard) (Entered: 12/12/2005)
12/13/2005	<u>31</u>	MOTION to Stay Court Order Pending Appeal as to Phillip W. Hyde. (Abaid, Kim) (Entered: 12/13/2005)
12/13/2005		Notice of correction to docket made by Court staff. Correction: Docket Entry 31 corrected because: Document was filed as a response. Should be filed as a motion. Re-docketed to correct as to Phillip W. Hyde (Abaid, Kim) (Entered: 12/13/2005)